

Order

Michigan Supreme Court
Lansing, Michigan

February 1, 2008

Clifford W. Taylor,
Chief Justice

134011

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JUNE UMBARGER, Personal Representative of
the Estate of Orpha Tower, Deceased,
Plaintiff-Appellant,

v

SC: 134011
COA: 264699
Eaton CC: 04-001695-NO

HAYES GREEN BEACH MEMORIAL
HOSPITAL CORPORATION,
Defendant-Appellee.

On order of the Court and on the court's own motion, we VACATE our order dated December 14, 2007. By order of September 24, 2007, the application for leave to appeal the March 1, 2007 judgment of the Court of Appeals was held in abeyance pending the decision in *Mullins v St Joseph Mercy Hosp* (Docket No. 131879). The case having been decided on November 28, 2007, 480 Mich ____ (2007), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals because the plaintiff falls within the class of plaintiffs entitled to relief identified in our order in *Mullins, supra*. We REMAND this case to the Eaton Circuit Court for entry of an order denying the defendant's motion for summary disposition and for further proceedings not inconsistent with this order and the order in *Mullins*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 1, 2008

Corbin R. Davis

Clerk